

9/07/04

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CASE 4-33515P1

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV 540157022 US
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September 3, 2004
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1615

PATEL ET AL.

APPLICATION NO: 10/743,367

FILED: DECEMBER 22, 2003

FOR: EXTENDED RELEASE ANTIBIOTIC COMPOSITION

MS: Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants believe this paper is being filed before the mailing date of a first Office Action on the merits, and so under 37 C.F.R. §1.97(b)(3) no fees are required. If a fee is deemed to be required, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 19-0134.

In accordance with 37 C.F.R. §1.56, applicants wish to call the Examiner's attention to the references cited on the attached form(s) PTO-1449.

Copies of these references are enclosed herewith.

FORM PTO-1449
(REV. 7-85)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.
4-33515P1
APPLICATION NO.
10/743,367
APPLICANT
PATEL ET AL.
FILING DATE
DECEMBER 22, 2003

Group

SEP 03 2004



U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	AA	3,034,897	05/15/62	Kuhrt et al.	99	91	12/09/60
	AB	3,034,898	05/15/62	Kuhrt et al.	99	91	12/09/60
	AC	3,673,106	06/27/72	Jonas et al.	252	356	06/18/69
	AD	4,315,041	02/09/82	Fukuda et al.	426	653	12/28/79
	AE	4,327,077	04/27/82	Puglia et al.	424	38	05/29/81
	AF	4,389,393	06/21/83	Schor et al.	424	19	03/26/82
	AG	4,474,768	10/02/84	Bright	424	180	11/15/82
	AH	4,517,359	05/14/85	Kobrehel et al.	536	7.4	09/22/81
	AI	4,808,411	02/28/89	Lu et al.	424	441	06/05/87
	AJ	4,842,866	06/27/89	Horder et al.	424	468	12/14/87
	AK	4,865,851	09/12/89	James et al.	424	498	05/13/88
	AL	5,286,489	02/15/94	Tsau et al.	424	440	03/16/93
	AM	5,609,909	03/11/97	Meyer et al.	427	2.14	04/13/95

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION YES <input type="checkbox"/> NO <input type="checkbox"/>
	AN 0 101 418	02/22/84	Europe			<input type="checkbox"/> <input type="checkbox"/>
	AO 0 630 233 B1	12/28/94	Europe			<input type="checkbox"/> <input type="checkbox"/>
	AP WO 93/17667	09/16/93	WIPO [equiv. of EP 0630233B1]			<input type="checkbox"/> <input type="checkbox"/>
	AQ WO 00/69415	11/23/00	WIPO			<input type="checkbox"/> <input type="checkbox"/>
	AR WO 02/17885	03/07/02	WIPO			<input type="checkbox"/> <input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

AS	
AT	
AU	

EXAMINER DATE CONSIDERED

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

(Use several sheets if necessary)

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
BA	5,707,646	01/13/98	Yajima et al.	424	439	03/10/93
BB	5,919,489	07/06/99	Saleki-Gerhardt et al.	424	501	10/09/96
BC	5,972,373	10/26/99	Yajima et al.	424	439	04/30/96
BD	6,010,718	01/04/00	Al-Razzak et al.	424	464	04/11/97
BE	2002/0012675	01/31/02	Jain et al.	424	400	06/22/99
BF	6,365,574 B2	04/02/02	Singer et al.	514	29	11/30/99
BG	2003/0072801	04/17/03	Curatolo et al.	424	465	06/20/02
BH	6,565,877 B1	05/20/03	Mukherji et al.	424	441	06/05/00
BI	2003/0162730	08/28/03	Li et al.	514	28	05/21/02
BJ	2003/0165563	09/04/03	Murphy et al.	424	465	12/20/02
BK	2003/0190365	10/09/03	Fergione et al.	424	489	12/20/02
BL	6,632,451 B2	10/14/03	Penhasi et al.	424	464	06/04/99

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO
BM	WO 02/42315	05/30/02	WIPO			<input type="checkbox"/>	<input type="checkbox"/>
BN	WO 03/017981	03/06/03	WIPO			<input type="checkbox"/>	<input type="checkbox"/>
BO	WO 03/082248	10/09/03	WIPO			<input type="checkbox"/>	<input type="checkbox"/>
BP	JP 49081526	06/08/74	Japan [English abstr. only]			<input type="checkbox"/>	<input type="checkbox"/>
BQ						<input type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

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The Examiner is requested to consider the foregoing information in relation to this application and indicate that each reference was considered by returning a copy of the initialed PTO 1449 form(s).

Respectfully submitted,


John D. Thallemer
Attorney for Applicants
Reg. No. 34,940
(862) 778-7945

Date: September 3, 2004